

**BURSOR & FISHER, P.A.**

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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

GEMMA RIVERA and MARISA FRANZ,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

KNIX WEAR, INC.

Defendant.

Case No. 5:22-cv-02137-EJD

**DECLARATION OF L. TIMOTHY  
FISHER IN SUPPORT OF THE MOTION  
TO CONDITIONALLY WITHDRAW AS  
COUNSEL FOR PLAINTIFF GEMMA  
RIVERA**

Date: May 11, 2023

Time: 9:00 a.m.

Judge: Hon. Edward J. Davila

Courtroom: 4

1 I, L. Timothy Fisher, declare and state as follows:

2 1. I am an attorney licensed, authorized, and admitted to practice law before this Court  
3 and the federal and state courts of the State of California. I am a partner in the law firm of Bursor  
4 & Fisher, P.A., and counsel of record for Plaintiffs Gemma Rivera and Marisa Franz in the above-  
5 mentioned action. I make this declaration in support of my firm's Motion to Conditionally  
6 Withdraw as Counsel for Plaintiff Gemma Rivera. I have personal knowledge of the facts set forth  
7 in this declaration and, if called as a witness, I could and would testify competently thereto.

8 2. My firm is seeking to conditionally withdraw as counsel for Plaintiff Rivera in this  
9 action pursuant to California Rule of Professional Conduct 1.16(a)(4) and Local Rule 11-5(a). On  
10 March 15, 2023, Ms. Rivera terminated my firm as her counsel in this action. As of the date of this  
11 motion, Ms. Rivera has not retained new counsel to the best of my knowledge.

12 3. Since Ms. Rivera terminated my firm as her counsel, I have forwarded documents  
13 filed on the Court's ECF system to her. If the Court grants this motion, I will continue to do that  
14 until such time as Ms. Rivera retains new counsel and that counsel appears in this action.

15 I declare under the penalty of perjury under the laws of the United States and the State of  
16 California that the foregoing is true and correct. Executed on April 11, 2023, at Walnut Creek,  
17 California.

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19 /s/ L. Timothy Fisher  
20 L. Timothy Fisher  
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